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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,042	06/06/2001	Albert D. March	11346-008	7614
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Isis E. Caulder Bereskin & Parr Box 407 40 King Street West Toronto, ON M5H 3Y2 CANADA				
			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/874,042

Applicant(s)

MARCH, ALBERT D.

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for continued examination of Application 09/874,042 filed on March 19, 2007.

The amendment contains new claims: 30-37.

Claims 1-29 have been canceled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/2007 has been entered.

### ***Claim Objections***

Claim 30 is objected to because of the following informalities: reference to "a initiating regional office" should instead be to "an initiating regional office". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 30 and 35, in the disclosure of the financial card, cite "...at least one button such that the recipient may input information...". However, the specification discloses where the user is required to input information to activate the card. The claim would overcome the 35 U.S.C. 112 rejection simply by rewriting the portion as "...at least one button such that the recipient inputs information...".

***Allowable Subject Matter***

Claims 30-37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claims 30 and 35 disclose a system and method for automated electronic transfer of funds wherein:

an initiating office receives a transfer request with a question and answer security protocol, receive an amount of funds to transfer and hold the funds for the recipient, receive a transaction fee from the sender, send an initiating data packet comprising the verification ID protocol, the amount of funds, an initiating security ID, an initiating transit ID and a dispensing transit ID to an initiating authorization center;

the initiating authorization center configured to receive the initiating data packet from the initiating regional office, confirm the authenticity of the initiating security ID and if authentic, send an authorization data packet with the same pieces of ID mentioned above to a dispensing authorization center based on the dispensing transit ID;

the dispensing authorization center configured to receive the authorization security ID and if authentic, send a dispensing packet with the same pieces of ID mentioned above to a dispensing regional office, and

the dispensing regional office configured to receive the dispensing data packet from the dispensing authorization center, verify the authenticity of the dispensing security ID, and if authentic wait for the recipient to attend at the dispensing regional office, when a recipient attends, conduct the verification ID protocol to confirm that the recipient is the correct recipient and if confirmed, send a confirmation data packet with the same pieces of ID mentioned above to the initiating regional office wherein the initiating regional center transfers the predetermined amount of funds from the sender, dispense the predetermined amount of funds to the recipient via an anonymous financial card, where the card comprises a processor, memory, GPS receiver chip, LCD screen and at least one button such that the recipient inputs information to the financial card and activate the predetermined amount of funds on the financial card based on the entry of a PIN number by the recipient.

Dependent claims 31-34 and 36-37 would be allowable as they follow from the independent claims 30 and 35.

The primary difference between the claimed invention and the prior art is the transfer of a data packet containing a verification ID protocol, the amount of funds, an initiating security ID, an initiating transit ID and a dispensing ID through the various offices as disclosed, wherein the result of authentication is the dispensing of a financial card containing a processor, memory, GPS receiver chip, LCD screen and at least one button by which the recipient inputs a PIN into the card which activates the predetermined amount of funds on the financial card.

Prior art shows the electronic transferring of funds, wherein a sender defines a verification protocol to be entered by the recipient, where the transaction is verified by the sending and receiving units, and wherein cash or cash equivalents are dispensed by an ATM dispensing device (US Patent 5,650,604 to Marcous et al.). However, Marcous does not disclose the data packet containing the information as disclosed in the present application for data verification, nor where the verification is processed by the offices as disclosed in the present application. Further, Marcous does not disclose where the dispensing unit dispenses a financial card of any type, and does not disclose a more specific financial card containing a processor, memory, GPS receiver chip, LCD screen and at least one button by which the recipient inputs a PIN into the card which activates the predetermined amount of funds on the financial card.

Further, Cuervo (US Patent 6,105,009) discloses the use of ATMs to dispense debit cards. However, Cuervo does not disclose where the debit card is dispensed as a result of an electronic money transfer between a sender and a user by way of the security protocol through the various offices as described in the present application.

Art Unit: 3692

Further, Cuervo does not disclose where the debit card contains a processor, memory, GPS receiver chip, LCD screen and at least one button by which the recipient inputs a PIN into the card which activates the predetermined amount of funds on the financial card.

Downing et al. (US Patent 5,963,647) discloses the transferring of funds electronically from a sender to a recipient, wherein a sender enters a codeword security protocol, and wherein the receiver receives the funds at an ATM or CAT. Downing discloses where the transaction is verified by the sending and receiving units, and wherein cash or cash equivalents are dispensed by an ATM or CAT dispensing device. However, Downing does not disclose the data packet containing the information as disclosed in the present application for data verification, nor where the verification is processed by the offices as disclosed in the present application. Further, Downing does not disclose where the dispensing unit dispenses a financial card of any type, and does not disclose a more specific financial card containing a processor, memory, GPS receiver chip, LCD screen and at least one button by which the recipient inputs a PIN into the card which activates the predetermined amount of funds on the financial card.

Kawan et al. (US Patent 5,844,218) discloses a smart card with an LCD screen and a keypad and Gildea et al. (US Patent 5,861,841) discloses a smart card with a GPS receiver. However, neither Kawan or Gildea, separately or individually, disclose the financial card with an LCD screen and a keypad and a GPS receiver to be issued to a recipient of electronically transferred funds sent from a receiver with required security

protocol through which the security information must pass and when authenticated, a recipient enters a PIN into the financial card for activation.

"Tests of Electronic Purses May Bring End to Using Cash" discloses the anonymous transfer of funds between parties, in which both parties have Mondex cards. However, both parties have existing cards upon the transaction whereas the current application discloses the dispensing of an anonymous card after a security protocol is undergone for the verification of the sender and receiver portions of the transaction.

International publications include WO 90/13096 in which a credit card with communication capability is disclosed. While the credit card is of the "very smart card" nature with LCD screen, keypad, etc., the card is not disclosed as being dispensed from an ATM machine as a result of electronic funds transfer between a sender and a recipient.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



Art Unit: 3692

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3692



RICHARD E. CHILCOTE, JR.  
SUPERVISORY PATENT EXAMINER